

**STATE OF VERMONT
AGENCY OF HUMAN SERVICES**

DCF

Department for Children and Families

BULLETIN NO.: 10-24P

FROM: Pam Dalley, Interim Deputy Commissioner
Economic Services Division

DATE: September 30, 2010

SUBJECT: Amendment to Food Stamp (3SquaresVT) Rules
to Comply with Federal Law and Regulations

CHANGES ADOPTED EFFECTIVE 1/14/2011

INSTRUCTIONS

- ☐ Maintain Manual - See instructions below.
- ☒ Proposed Regulation - Retain bulletin and attachments until you receive Manual Maintenance Bulletin: _____
- ☐ Information or Instructions - Retain until _____

MANUAL REFERENCE(S):

273.9d 6 vi

273.9d 6 vii

The Department for Children and Families is required to administer the federal supplemental nutrition assistance program in accordance with the Food Stamp Act of 1977, as amended (the Act), regulations issued pursuant to the Act, and the State Plan of Operation approved by the USDA Food and Nutrition Service (FNS).

On September 7, 2010 FNS notified the department that the rule-making requirement specified under Food Stamp (now known as 3SquaresVT) rule number 273.9d 6 vi as a "Vermont Note" does not comply with Federal regulations. Consequently, the rule prevents the timely application of federally-mandated updates to standard utility allowances. The department thereby proposes to amend the rule by removing the noncompliant language. The department also proposes to amend rule number 273.9d 6 vii to incorporate a federal rule that prohibits states from prorating standard utility allowances among households sharing the cost of heating or cooling. The department implemented the federal requirement on January 16, 2004 by administrative directive.

Specific Changes to Rule Sections

273.9d 6 vi Amends the Vermont rule by removing the “Vermont Note” specifying that annual decreases in standard utility allowances will be implemented via the Vermont Administrative Procedures Act. Specifies that annual updates to standard utility allowances will coincide with the annual issuance and updates of other federally-mandated standards to be effective October 1 and published in procedures.

273.9d 6 vii Amends the Vermont rule by replacing it with language consistent with federal rules that prohibit the state from prorating heating and cooling standard utility allowances among households living together and sharing utility costs.

Comment Period

A public hearing is scheduled on Friday, November 19, 2010 at 2:00 p.m., in the DCF Commissioner’s Conference Room, 5 North, State Office Complex, Waterbury, Vermont .

Written comments may be submitted no later than 4:30 p.m., on Friday, November 26, 2010 to Renee Richardson, 3SquaresVT (Food Stamp) Chief, Economic Services Division, DCF; 103 South Main Street, Waterbury, Vermont 05671-1201, renee.richardson@ahs.state.vt.us. Fax: (802) 241-3934.

To get more information about the Administrative Procedures Act and the rules applicable to state rulemaking go to the website of the Office of the Vermont Secretary of State at: <http://vermont-archives.org/aparules/> or call Louise Corliss at 828-2863

For information on upcoming hearings before the Legislative Committee on Administrative Rules go to the website of the Vermont Legislature at: <http://www.leg.state.vt.us/schedule/schedule2.cfm> or call 828-5760.

* * * * *

Vertical lines in the left margin indicate significant changes. Dotted lines at the left indicate changes to clarify, rearrange, correct references, etc., without changing con

1/14/2011

Bulletin No. 10-24

273.9d 6 vi

273.9 Income and Deductions

d. Income Deductions

6. Standard Utility Allowance (Continued)

- vi. The State agency shall review and adjust the standard utility allowance(s) annually to reflect changes in the cost of utilities. The State agency may use data gathered through quality control sampling, surveys of utility company rates, or other methods for updating the standard utility allowance(s). The State agency may vary the size of the standard utility allowance to reflect differences such as seasonal cost changes or cost variations between geographical areas.

The annual update to standard utility allowances will coincide with the update and issuance of other federally-mandated standards. Updated annual standards will be implemented on October 1 and will be published in procedures.

- vii. If a household lives with and shares heating or cooling expenses with another individual, another household, or both, the State agency shall not prorate the standard for such households if the State agency mandates use of standard utility allowances in accordance with paragraph (d)(6)(iii)(E) of this section. The State agency may not prorate the SUA if all the individuals who share utility expenses but are not in the food stamp household are excluded from the household only because they are ineligible.